



City of Carmel

CARMEL PLAN COMMISSION March 15, 2005

The regularly scheduled meeting of the Carmel Plan Commission met at 7:00 PM on Tuesday, March 15, 2005 in the Council Chambers of City Hall, Carmel, Indiana. The meeting opened with the Pledge of Allegiance.

Members in attendance: Jerry Chomanczuk, Leo Dierckman, Dan Dutcher, Wayne Haney, Jerry L. Heniser, Dianna Knoll, Rick Ripma, Madeleine Torres. A quorum was established.

The Department of Community Services staff in attendance: Mike Holllibaugh, Director; Jon Dobosiewicz, and Adrienne Keeling. John Molitor, legal counsel was also present.

The minutes of the February 15, 2005 meeting were approved as submitted.

Jerry L. Heniser, Mayoral Appointment to the Carmel Plan Commission was sworn in by John Molitor.

F. Legal Counsel Report: John Molitor reported on two Bills currently before the State Legislature that would affect the local Planning and Zoning Statute—one is probably not any concern and involves the application of Ordinances to forestry operations. There is a Bill that would re-define “Blighted Areas” so that areas that need redevelopment are no longer stigmatized as “blighted areas.” The “blighted areas” Bill will probably pass; John Molitor will keep the Commission posted.

G. Reports, Announcements & Dept. Concerns: Jon Dobosiewicz reported that public notice on item 2h, Specialty Risk Internal was made in the newspaper 4 days late, and one day late by certified mail. The Department requests that the Commission move forward with this item—suspension of the Rules of Procedure would be required to hear this item tonight.

Jerry Chomanczuk made formal motion to suspend the Rules of Procedure in order to hear Docket No. 05010042 DP/ADLS, Specialty Risk International, seconded by Dan Dutcher, Approved 9-0.

H. Public Hearings:

1h. Docket No. 05010043 DP/ADLS: Shoppes at Providence

The petitioner proposes two new 3-story commercial/residential buildings and related parking, signage, and landscaping. The site is located at 12700 Old Meridian Street and is zoned OM/V - Old Meridian/Village Zone.

Filed by Dave Leazenby for Providence Commercial Properties, LLC.

Jim Shinaver, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant. Also in attendance: David Leazenby, Providence Commercial Properties, LLC, and Gary Murray, Engineer, Mid-States Engineering.

The proposed construction at 12700 Old Meridian Street will consist of two, three-story commercial buildings that will have apartment units on the second and third floor of each building. The site will also include parking and related signage and landscaping.

By way of background, the overall Providence project began in 2000. The first phase was residential apartment units; the second phase was residential townhomes. The ADLS/DP application represents the third phase of the project that is the development of commercial shops with second and third story residential apartments above the commercial shops. The vision behind the Providence project was to provide a mix of residential and commercial uses in this area.

The commercial buildings will contain a total of approximately 65,844 square feet. Included in the total square footage of each building is approximately 21,948 square feet of commercial space or 10,974 square feet of commercial per individual building. It is anticipated that these two buildings will house approximately 5 commercial tenants in each building. Again, the second and third floor will have residential apartments; each building will contain 24 residential apartments for a total of 48 residential apartments between the two buildings. Pursuant to the Old Meridian Village Overlay, these buildings are positioned adjacent to Old Meridian and the commercial entrances for these buildings can be accessed from the west side of the building and on the east side of the building. However, for the residential units, the apartments can only be accessed from the east side of the building. Ample parking has been provided on the east side of the site as well as sidewalk space adjacent to Old Meridian to provide for and accommodate outdoor seating areas.

There are substantial plantings along the perimeter of the site as well as internal to the site and internal to the parking lot area. Scott Brewer, the City Urban Forester has reviewed the landscape plans and there are apparently no major issues that are outstanding.

The buildings were designed in light of the architectural requirements set forth in the Old Meridian Village zone. The building elevations will complement not only the existing Providence project but will also be consistent and compatible with the architecture in the immediate area.

Signage: There are two project monument signs proposed adjacent to Old Meridian. Two tenant-identification signs are proposed slightly east of the buildings on the site, and in the middle of the two buildings is a proposed, tenant directory sign. Renderings were shown of the building elevations that depict the location of the proposed wall signage. Lighting cut-sheets were included in the informational packets.

David Leazenby, Buckingham Companies addressed the Commission. Providence was initially approved 5 years ago—a mix of uses on 28 acres. Meridian Music has opened their building and doing well; this third phase of live/work units will add a different element, but was envisioned in the beginning—residential uses above retail. Both buildings will include an elevator. All

residential units will be one-bedroom apartments—7 different configurations—from approximately 700 square feet up to 925 square feet. All of the residential units have balconies and are more a loft-type living environment.

The retail spaces are designed to accommodate primarily breakfast and lunch uses, and any other office or retail use; a lot of restaurant use is expected. The roofline above the third floor was raised on the Old Meridian Street elevation to hide the rooftop equipment. The buildings are constructed primarily of brick.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments—Jon Dobosiewicz said the petitioner had addressed a couple of the items noted in the Department Report, except for the wall signage. The petitioner should be prepared to provide additional information to the Committee regarding the wall signage. Based on the review of other petitions, the Commission would probably want to see the design of tables, chairs, and umbrella material that would front the right-of-way and be most visible to the public.

Commission Comments/Questions

Jerry Chomanczuk asked if this phase had been approved 5 years ago.

Jon Dobosiewicz responded that the proposed plans are consistent with the PUD rezone that came through prior to the adoption of the Old Meridian Zone. In the Ordinance, there is an exception for signage that allows this development to conform to the plans that were approved by the Plan Commission and City Council as part of the PUD. Otherwise it is apparent through the building elevations and other things that this proposal is consistent with the PUD as well as the underlying Village zoning within the Old Meridian district.

Wayne Haney asked about the window signage and the proposed blade signs.

David Leazenby responded that there is a variety of signage allowed in the original Ordinance for Providence, and that has been identified on the elevations as to where that could be. The window signage is in addition to the signage called out above the doors. The signage is meant more for pedestrians than automobile traffic passing by.

Dan Dutcher: Consistent with the Urban Design Initiative, the building is pretty tight against the right-of-way—but it looks as if a lot of outdoor seating, sidewalks, trees, etc. would be sacrificed if and when Old Meridian is expanded.

Jon Dobosiewicz commented that the petitioner's proposal actually accommodates the intended improvements. In addition, after the City improves Old Meridian, the on-street parking can be accommodated within the thoroughfare prescribed right-of-way and it will dovetail.

Note: The petitioner should come to Committee prepared to address signage—sign types, height of blade signs, and examples of signage.

Docket No. 05010043 DP/ADLS Shoppes at Providence was forwarded to the Special Study Committee for further review at 7:00 PM on Thursday, March 31, 2005 in the Caucus Rooms of City Hall, Carmel, Indiana.

2h. Docket No. 05010042 DP/ADLS: Specialty Risk International

The petitioner proposes a new office building and related parking, signage, and landscaping. The site is located immediately west of 501 Congressional Blvd and is zoned B6/Business.

Filed by Elizabeth Hobbs of Krieg DeVault for Specialty Risk International.

Elizabeth Hobbs, attorney with Krieg, Devault appeared before the Commission representing the applicant. Also in attendance: Drew White, Access Architecture.

Specialty Risk International proposes to relocate their corporate headquarters within the Meridian Technology Center. The proposed office building and related parking facility will be located on two combined parcels that total 6.6 acres.

The petitioner is proposing a two-story, 42,000 square foot building. The front entrance would be oriented toward Congressional Boulevard. The front elevation is comprised of two different brick materials—a dark brick and a light brick. The dark brick starts at the front entrance and wraps to the northeast side of the building. The light color brick wraps around to the west and northwest corner of the building to the staircase.

There is a significant glass feature on the south side of the building. The glass is a combination of light-color glass and significant metal coping (dark and light gray) incorporated into the glass feature. The canopy will be frosted with a curved feature.

Drew White explained the light and dark brick features, that it represents the only texture for the mechanical screening, dryvit, and will match the lighter brick color. There are three glass colors: clear, evergreen, and green to create interest. The sandblasted glazing would be the cover on the top of the canopy. There are two metallic colors—a light, clear anodized for the window frames, and a darker color for the beams and coping.

In lieu of installing a sidewalk along 116th Street, the petitioner is looking at a trade-out for connectivity from the proposed site to Pennsylvania Street along Congressional. Landscape issues were due to landscaping within the drainage easement, and this has been moved outside the easement. The petitioner is in the process of pursuing a Variance for the setback issue.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments: Jon Dobosiewicz reported that the issues of sidewalk/walking path and the right-of-way required along 116th Street would probably be resolved prior to the Committee meeting on March 31st. The petitioner is to provide the Department with a diagram illustrating the

location of roof-top equipment and the proposal for screening from view.

Note: The petitioner was asked to bring full elevations to Committee for review, including colors, in order to get a better perspective. The petitioner offered to bring a three-dimensional model to the Committee meeting.

Jerry Chomanczuk was interested in the distribution of parking ratio for 501 Congressional Boulevard as well as the proposed building.

Elizabeth Hobbs explained that the petitioner had closed on the property last month and a parking easement agreement was executed with 501 Congressional at that time. Ms Hobbs offered to submit a copy of the parking easement agreement.

Jerry Chomanczuk then asked if there were any further issues and referred to a statement made approximately 5 years ago that additional buildings to the park would require an additional lift station (sanitary as opposed to storm.)

Jon Dobosiewicz said the Department would look into it and report at the Committee Level.

Jerry Chomanczuk asked if this proposal had been reviewed and approved by the Meridian Technology Park and if it complied with their covenants.

Elizabeth Hobbs responded that Julie Christiansen of REI had given approval approximately 30 days ago and evidence could be provided.

Docket No. 05010042 DP/ADLS, Specialty Risk International was referred to the **Special Study Committee** for further review at 7:00 PM on Thursday, March 31, 2005 in the Caucus Rooms of City Hall.

h. Docket No. 05010045 DP: Traditions on the Monon

The petitioner proposes 135 townhomes and related parking, signage, and landscaping. The site is located at the northwest corner of 136th Street and Range Line Road and is zoned PUD.

Filed by Sean Sullivan for Centex Homes.

Jim Shinaver, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant. Also in attendance: Sean Sullivan, land acquisition and project manager, Centex Homes, and Rich Kelly, EMHT Engineering, Dave Klauba of Land Focus, landscape designers, and David Leazenby, Buckingham Companies.

The site was the subject of a rezone request in 2004. At that time, the petitioner was the Buckingham Companies as developer. This same real estate was requested to a PUD rezone, Traditions on the Monon, and was to be a townhome project. The Plan Commission unanimously recommended approval of the rezone to a PUD, and final approval granted by the City Council. For

purposes of the rezone, Buckingham Properties was the developer; Centex Homes is to be the actual builder for the townhomes on this site.

The site is approximately 12.2 acres in size, located on the northwest corner of 136th Street and Range Line Road. The real estate is north of 136th Street, east of the Monon, and west of Range Line Road. The petitioner has spent considerable time meeting with the Carmel Redevelopment Commission and the DOCS Staff regarding the design and layout for this site.

Ingress and egress have been provided adjacent to 136th Street; there is also an egress drive that feeds into Range Line Road. An internal round-about has been incorporated into the site that provides traffic flow throughout the site as well as two, long, large courtyard areas that will provide a pleasing sight-line as well as a nice amenity area for the residents of this development.

The petitioner has reviewed this plan in detail with representatives of the Transportation Department for the School and with the Carmel Fire Department. The School supports the internal site layout and the buses would enter along 136th Street, proceed north, pick up any schoolchildren in the townhomes, and proceed around the round-about and exit the site at the egress drive onto Range Line Road.

The petitioner has also had meetings with the Fire Department and discussed how their vehicles would access the site. The Fire Department is also in support of this layout. The Fire Department did ask that grass pavers be provided in the northwestern portion of the site and this has been done. The grass pavers would allow for connection between the dead-end drives. Thus, in the event emergency vehicles would have to access the back of the site, they would be able to travel through the grass pavers to exit the project and fire/emergency vehicles would not have to reverse to exit.

The site plan now addresses the concerns and needs of the DOCS Staff, the CRC, the School Transportation Dept., and emergency service vehicles.

The landscape plan provides for plantings along the perimeter, the internal courtyard areas, and the internal drive areas. Base building landscaping has also been provided. It is the petitioner's understanding that no landscape issues exist and the plans have been reviewed by Scott Brewer, Urban Forester for the City.

The building elevations for the project will be brick, excluding the windows and the gables. The proposed lighting for the site was reviewed during the rezone process.

The entry wall treatment adjacent to 136th Street was shown. The wall is constructed of brick, and consists of a limestone cap.

Seas Sullivan distributed to the Commission a copy of a letter and commitments that were made as a part of the rezone process at the Council level. The petitioner has agreed to dedicate land to the City at no charge so the City can construct the Cool Creek North Trail extension. The petitioner has also committed to provide the City \$8,000 in funds towards the construction of the trail. The Department of Engineering and representatives of the Parks Department had advised the petitioner

in 2004 that they were not certain that the Cool Creek Trail extension would actually occur on the petitioner's property or just to the north. Even though there were some unresolved issues regarding the location of the trail, nonetheless, the petitioner agreed to dedicate the land to accommodate, if on the petitioner's site, and also agreed to donate funds for the construction of the trail. It should be clear, however, that it is the City's obligation and responsibility to actually construct the trail.

In summary, the petitioner is seeking ADLS/DP approval for this site, previously rezoned to a PUD. The petitioner believes he is in compliance with the terms of the approved PUD, and looks forward to attending the Special Studies Committee on March 31, 2005.

Members of the public were invited to speak in favor of or opposition to this petition; no one appeared and the public hearing was closed.

Department Comments: Jon Dobosiewicz called attention to a letter that was included with the information packets—a letter from Ann Brooke, Smokey Row Road, dated March 3, 2005 regarding drainage. At the Committee level, the Department would like to walk the Plan Commission through the drainage concerns/questions. Written agreement regarding the Cool Creek North Trail should be provided by the applicant as well as the design of the internal drives in the northwest portion of the site.

Ann Brooke, Smokey Row Road, addressed the Commission and stated the petitioner had spent a lot of time with her working through the drainage and that the petitioner is doing the best he can.

The Department had requested a sidewalk connection between First Avenue drive and internal to their site. The petitioner has indicated that this will be done. There was a remaining issue regarding access to this site and that has subsequently been resolved.

Wayne Haney asked that the parking be further clarified at the Committee level.

Docket No. 05010045 DP, Traditions on the Monon was referred to the **Subdivision Committee** for further review on Thursday, May 31, 2005 at 7:00 PM in the Caucus Rooms of City Hall.

4h. Docket No. 05010036 PP: Bentley Subdivision - Primary Plat

The applicant seeks to plat a residential subdivision of 1 lot on 1 acre. The site is located at 11550 Towne Road and is zoned S1/Residential.

Filed by Stanley Bentley.

Stanley Bentley, 5830 Brobeck Lane, Indianapolis appeared before the Commission representing the applicant. A one-lot residential subdivision is planned for construction at the southwest corner of 116th and Town Road and the applicant is seeking formal approval. A one-acre lot is being carved out of an eight-acre tract owned by Mr. Brobeck's daughter.

The applicant appeared before the Technical Advisory Committee and the only real comment was a question relative to how the sewage would be handled. The design is on going and the petitioner is in contact with the Clay Township Regional Waste District. Benchmark Engineering will be doing

the engineering work and the plan is to tie into one of the interceptors either along 116th Street or the Huntington Chase Subdivision.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments: Jon Dobosiewicz said there is one issue outstanding in regard to the rendering that was submitted. There is a small corner of the site that falls within the 70-foot one-half right-of-way of Towne Road and this would need to be dedicated. The Secondary Plat would need to be revised to reflect the dedication of public right-of-way. If the Committee feels it is appropriate, the Department requests consideration of suspending the Rules of Procedure and approving the Primary Plat this evening.

Jerry Chomanczuk asked whether or not this property falls within the 116th Street Overlay and whether or not there would be an easement for driveway access.

Mr. Bentley said the driveway situation was discussed with the County Highway Department. When Towne Road was re-located 4 or 5 years ago and moved perhaps 300 feet to the west to join up with the north extension of Towne Road that goes by the Village of WestClay, the “Old Towne Road” was left intact and adjoins the subject property. The intention is to make the driveway entrance onto Old Towne Road that already has an existing cut into the “new” Towne Road. The petitioner will not cross his daughter’s property.

Dianna Knoll made formal motion to suspend the Rules of Procedure, seconded by Jerry Chomanczuk and Approved 9-0.

Dianna Knoll moved for approval of **Docket No. 05010036 PP, Bentley Subdivision, Primary Plat**, seconded by Jerry Chomanczuk, **APPROVED** 9-0.

- 5h. Docket Nos. 05010022 OA & 05010023 Z: Amendment, 116th Street Overlay**
The applicant seeks to create *Chapter 23G: 116th Street Overlay* of the Carmel/Clay Zoning Ordinance. The applicant also seeks to rezone multiple parcels from S-1/Residence and S-2/Residence District Classifications to the S-1/Residence- 116th Street Overlay, and S-2/Residence- 116th Street Overlay District Classifications. Filed by the Carmel Department of Community Services.

Jon Dobosiewicz appeared before the Plan Commission representing the applicant. This particular petition originated with discussion at the Council level. The properties included on the map are contiguous with 116th Street and run from Spring Mill Road west to the County Line; those parcels would be adopted as part of an Overlay. Each individual property owner as well as those that meet the notice requirements within the Ordinance for a rezone have received certified mail notice letters with regard to this request.

The Overlay boundary would establish very few additional standards and those would include a modification to require a minimum of a three-acre lot size and a prohibition against the adjacent

parcels to be platted as prescribed in Chapter 7 of the Subdivision Control Ordinance—the ROSO plat requirements.

The Plan Commission was given two transmittal letters this evening. One letter from 116th & Towne Road Partners represents University High School and asks that a portion of their property be excluded along the south end of their site, and the Department has no objection to this request. The Department has proposed certain modifications to the Overlay that would exclude properties or portions of parcels that are greater than 990 feet away from 116th Street, exactly 3/16 of a mile.

The Department is recommending that this item be forwarded to the Committee if there are additional questions; if not, the recommendation is to forward this item on to the City Council this evening.

Members of the public were invited to speak in favor of or opposition to this petition; no one appeared and the public hearing was closed.

Rick Ripma asked how this proposal affects sites that are not three acres.

Jon Dobosiewicz responded that any parcel existing today would conform to the Ordinance and would not be restricted. Long Branch Subdivision along 116th Street and other existing subdivisions along 116th Street would not be affected by this Overlay requirement.

What the ROSO provision allows for is a reduction in the lot size based on the provision of open space. It runs counter to a goal of seeing larger, estate lot sizes within the 116th Street corridor. The restriction in providing ROSO Subdivisions in essence is that it would require those parcels to be developed under the existing zoning. For lots that would not abut 116th Street, the existing zoning is a minimum of 15,000 square foot lot size. Under ROSO, a smaller lot size would be permitted, but the Overlay would prohibit development under the provisions and actually require a minimum of three-acre tract sizes for those parcels. The intent is to NOT allow development of subdivisions of small lot sizes against 116th Street but rather to maintain some of the existing larger lot sizes along 116th Street.

Madeleine Torres moved to suspend the Rules of Procedure, seconded by Dan Dutcher, Approved 8 in favor one opposed (Wayne Haney.)

Dan Dutcher made formal motion to: 1) amend the proposal on Docket No. 05010022 OA and 05010023 Z Amendment, 116th Street Overlay; 2) to NOT encumber parcels 990 feet plus away from the building line as recommended by the Department; and 3) forward the proposal to the City Council with a positive recommendation, seconded by Rick Ripma, APPROVED 9-0.

6h. Docket No. 05020023 OA: Amendment, C-1 and C-2 Zoning Districts

The applicant seeks to Amend Chapters 20E: *C-1 City Center* and 20F: *C-2 Old Town*, in order to modify the development standards.

Filed by the Carmel Department of Community Services.

Jon Dobosiewicz appeared before the Commission representing the Department of Community Services. There are parcels within the C-1 designation that currently are limited under the Ordinance by maximum building height size. The Department would like to modify the Ordinance. The modification would exist within section 20E 04.01 illustrating a maximum height for properties within the C-1 District adjacent to residential uses—currently the maximum height limitation is 45 feet. From a practical matter, there are not parcels within the C-1 that are adjacent to residential uses that are undeveloped. The proposed language would apply to undeveloped parcels within the C-1 District that primarily exist today, namely the southwest corner of Range Line Road and City Center Drive. The height limitation would change from 45 feet to 150 feet and where the parcels are adjacent to other uses such as commercial or industrial, it would allow an increase in height from 55 feet to 150 feet, measured from street grade.

The other section is relative to Section 20E. 04.02 regarding commercial and Civic uses, again modifying the height limitation from 45 feet and 85 feet respectively to 150 feet without a modification relative to the adjacent zoning. The Ordinance would allow commercial and civic uses and residential buildings. We will no longer draw a distinction whether it is a residential building or a commercial building. We basically are looking at a modification from 85 feet to 150 feet.

Members of the public were invited to speak in favor of or opposition to this petition; no one appeared and the public hearing was closed.

Jerry Chomanczuk asked if 150 feet translated into a 15-story building—the response was negative.

Jon Dobosiewicz thought there were 2 or 3 single family residences between Carmel Drive and City Center Drive to the north, along the east side of Range Line Road. The Department has met with Les Olds, Redevelopment Director, and asked him what he thought the zone should provide for—Les Olds suggested the number 150 feet. Upon reviewing this proposal, the Council could amend the proposal and allow a reduction in height or a maximum number of occupiable floors.

Jerry Chomanczuk commented that he would prefer more discussion at the Committee level—it would be interesting to see an elevation of some sort; Leo Dierckman concurred.

Docket No. 05020023 OA Amendment, C-1 and C-2 Zoning Districts, was referred to the **Subdivision Committee** for further review on Thursday, March 31, 2005 at 7:00 PM in the Caucus Rooms of City Hall.

Note: The Commission requested that Les Olds be available at the Committee level to elaborate on the C-1 and C-2 City Center Zoning Districts.

I. Old Business:

**1i. Docket No. 04120019 DP Amend/ADLS:
West Carmel Center Block C - Medford Place**

The petitioner proposes a new commercial structure, parking, and signage. The site is located at the southeast corner of 106th Street and Michigan Road. The site is zoned B3/Business and is within the US 421 Corridor Overlay.
Filed by Craig May for PR Block C, LLC.

Allen Fetahagie, American Consulting Engineers appeared before the Plan Commission representing the applicant. The petitioner proposes a commercial structure, parking, and signage at the southeast corner of 106th Street and Michigan Road.

The petitioner appeared before the Special Study Committee for review and was given a positive recommendation.

Jerry Chomanczuk reported for the committee. This particular building is straight-forward, it is an attractive building and is in harmony with other buildings in the area. The Committee voted 4-0 positive recommendation.

Department Comments, Jon Dobosiewicz said the Department is recommending approval of the DP/Amend/ADLS, subject to the two conditions listed in the Department report.

Jerry Chomanczuk moved for approval of Docket No. 04120019 DP Amend/ADLS, West Carmel Center Block C, Medford Place, conditioned upon provisions identified by the Department regarding the signage, seconded by Dianna Knoll, APPROVED 9-0.

2i. Docket No. 05010030 CA: 116th/Keystone Retail Shops

The petitioner proposes revised commitment amendment text. The site is located at the northeast corner of 116th St. and Keystone Ave. The site is zoned B-3 within the US 431 Overlay Zone.

Filed by Matt Skelton of Bingham McHale for Eclipse Real Estate.

Steve Hardin, attorney, Bingham, McHale, 970 Logan Street, Noblesville appeared before the Commission representing Eclipse Real Estate. Also in attendance: Brian Chandler and Drew Warner, Eclipse Realty.

The petitioner appeared before the Special Study Committee requesting an amendment to the Commitment to enable Starbucks to have one, after-hours delivery to the Center. This is a re-development project located at the northeast corner of 116th and Keystone Avenue.

Mr. Hardin stated that the petitioner has worked with the Department Staff and the Commission/Committee and respectfully requests approval at this time.

Jerry Chomanczuk reported for the Committee. The crux of the issue revolves around the delivery time for Starbucks that would be between 10:00 PM and 6:00 AM, but could not be pinpointed. There were remonstrators who did a considerable amount of homework to survey the other Starbucks as far as time frames, etc. There was discussion/requests for additional landscaping and fencing. The Committee voted 4-0 favorable recommendation for approval.

Jerry Chomanczuk requested that the petitioner be somewhat sympathetic for the families that are near to the development. There was still concern that any delivery would be disruptive in the evening hours, however, the Committee felt that the petitioner had made all possible efforts to accommodate.

Department Comments, Jon Dobosiewicz said the Department is recommending approval of the Commitment Amendments based on the report from the Committee.

Jerry Chomanczuk moved for approval of **Docket No. 05010030 CA, 116th/Keystone Retail Shops**, seconded by Madeleine Torres, **APPROVED** 9-0.

3i. Proposed Amendments to Rules of Procedure

-Changes regarding meeting time and agenda order to be considered

Leo Dierckman reported that the Executive Committee had recommended approval of the change in time for the start of the Plan Commission meetings from 7:00 to 6:00 PM. Plan Commission public hearings would begin at 6:00 PM on April 19, 2005, Committee meetings would begin at 6:00 on May 3, 2005.

Department Report, Jon Dobosiewicz. The Department is recommending that the Plan Commission adopt the rule change to begin the meetings at 6:00 PM rather than 7:00 PM. Once adopted, the new Rules of Procedure would be distributed at the April meeting.

Dianna Knoll moved to approve the amendment to the Rules of Procedure to start the meetings at 6:00 PM rather than 7:00 PM, seconded by Jerry Chomanczuk, **APPROVED** 9-0.

J. New Business

1j. Docket No. 05030001 DP/ADLS Amend: Carmax Auto Superstore

The applicant seeks to modify five existing signs. The site is located at 9750 Gray Road and is zoned B3-Business.

Filed by E. Davis Coots for Carmax Auto Superstores.

Dave Coots, attorney, Coots, Henke & Wheeler, 255 East Carmel Drive appeared before the Commission representing the Carmax Auto Superstores.

Carmax was initially approved by the Plan Commission in 2002. The Special Study Committee approved blue lettering for the signage; however, when illuminated at night, the letters are very difficult to read. The proposed amendment allows for the blue lettering and blue box to remain as is. Hopefully, at night, the light will shine through the blue face and the letters will be readable.

Department Report, Jon Dobosiewicz. The item before the Commission is an ADLS Amendment. Typically this item would be sent to Committee, however, because of the petitioner's advance filing and their ability to get a report, the Department felt it was appropriate to bring this item before the

full Commission this evening. It does not require that the Commission send this to Committee if they feel comfortable voting on this item this evening. Clarification: The sign is being changed from individual channel letter faces from illuminating blue to illuminating white.

At this time, Dave Coots presented a visual of the proposed signage so there was absolutely no question as to what it would look like.

Dan Dutcher moved for approval of **Docket No. 05030001 DP/ADLS Amend, Carmax Auto Superstore**, seconded by Rick Ripma, **APPROVED** 9-0.

There being no further business to come before the Commission, the meeting was adjourned at 8:25 PM.

Leo Dierckman, President

Ramona Hancock, Secretary